

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re DAVIS NEW YORK VENTURE FUND
FEE LITIGATION

Master File No. 1:14-cv-4318 (LTS) (HBP)

~~PROPOSED~~ **ORDER APPOINTING LEAD COUNSEL**

WHEREAS, on September 19, 2014, the Court established the above-captioned action consolidating two previously filed cases pursuant to Fed. R. Civ. P. 42(a) (Dkt. No. 25); and

WHEREAS, consistent with the recommendations of § 10.22 of the Manual for Complex Litigation (4th ed. 2004) (the "Manual"), the Court may appoint Lead Counsel to oversee actions that have been consolidated under Fed. R. Civ. P. 42(a);

NOW, THEREFORE, THE COURT ORDERS as follows:

I. ORGANIZATION OF COUNSEL

The Court designates the following firm to act as Lead Counsel in the consolidated action with the responsibilities hereinafter described:

ZWERLING, SCHACHTER
& ZWERLING, LLP
41 Madison Avenue
New York, NY 10010
Tel.: 212-223-3900
Fax: 212-371-5969

Lead Counsel shall be generally responsible for coordinating the activities of plaintiffs in the litigation and shall:

a. determine (after consultation with other co-counsel as may be appropriate) and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a

designee) to the Court and opposing parties the position of the plaintiffs on all matters arising during the litigation;

b. coordinate the initiation and conduct of discovery on behalf of plaintiffs consistent with the requirements of Fed. R. Civ. P. 26(b)(1) and (2), and (g), including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;

c. conduct settlement negotiations on behalf of plaintiffs;

d. delegate specific tasks to other counsel in a manner to ensure that the litigation is conducted effectively, efficiently, and economically;

e. enter into stipulations with opposing counsel necessary for the conduct of the litigation;

f. retain expert consultants and witnesses;

g. maintain adequate time and expense records, and collect time and expense records from other counsel to plaintiffs;

h. budget and keep records of monetary contributions, as well as request contributions from other plaintiffs' counsel to further joint efforts on behalf of plaintiffs;

i. monitor the activities of other plaintiffs' counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided; and

j. perform such other duties as may be incidental to proper coordination of plaintiffs' in the litigation or as authorized by further order of the Court.

Lead Counsel is designated as the spokesperson for plaintiffs with respect to all substantive communications with the Court and with defense counsel. Other plaintiffs' counsel

may communicate on substantive matters with the Court or defense counsel only if delegated to do so by Lead Counsel.

II. COORDINATION

Lead Counsel shall coordinate the activities of all plaintiffs' counsel to avoid duplication and inefficiency in the filing, serving and/or implementation of pleadings, other court papers, discovery papers, and discovery practice.

All counsel to plaintiffs shall maintain detailed and contemporaneous records of all time and expenses associated with their services in connection with the litigation.

All counsel to plaintiffs shall report their hours, lodestar, time detail, and expenses to Lead Counsel on a monthly basis in a form to be provided or in a manner requested by Lead Counsel, which report shall be received no later than the 10th day of the month following the reporting period.

All counsel to plaintiffs will endeavor to ensure that there is no unnecessary duplication of the work performed.

III. PRIVILEGES PRESERVED

No communication among plaintiffs' counsel shall be taken as a waiver of any privilege or protection to which they would otherwise be entitled.

IT IS SO ORDERED.

Dated: November 18, 2014



Hon. Laura Taylor Swain
United States District Judge